

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MORGAN STANLEY MORTGAGE  
CAPITAL HOLDINGS LLC, AS  
SUCCESSOR-IN-INTEREST TO MORGAN  
STANLEY MORTGAGE CAPITAL INC.,

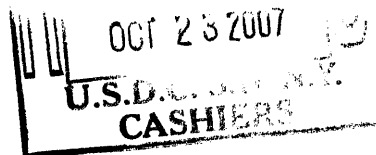
Plaintiff,

v.

FREMONT INVESTMENT & LOAN,

Defendant.

07 CIV-9457



**PLAINTIFF'S RULE 7.1 DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Civil Procedure 7.1, Plaintiff Morgan Stanley Mortgage Capital Holdings LLC, as successor-in-interest to Morgan Stanley Mortgage Capital Inc., is a wholly owned subsidiary of Morgan Stanley. Morgan Stanley is a publicly held corporation that has no parent corporation. Based on Securities and Exchange Commission rules regarding beneficial ownership, State Street Bank & Trust Company, 225 Franklin Street, Boston Massachusetts 02210, beneficially owns more than 10% of Morgan Stanley's stock (based on a Schedule 13F filed on June 31, 2007 by State Street, acting in various fiduciary capacities).

Dated: October 23, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Richard A. Edlin".

Richard A. Edlin (RE-1998)  
Ann C. Turetsky (AT-1997)  
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*Attorneys For Plaintiff*

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

MORGAN STANLEY MORTGAGE  
CAPITAL HOLDINGS LLC, AS  
SUCCESSOR-IN-INTEREST TO MORGAN  
STANLEY MORTGAGE CAPITAL INC.,

## SUMMONS IN A CIVIL CASE

V.

FREMONT INVESTMENT & LOAN,

CASE NUMBER:  
**07 CIV 9457**

TO: (Name and address of defendant)

Freemont Investment & Loan  
c/o CT Corporation System, its registered agent for service  
111 Eighth Avenue  
New York, NY 10011

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Richard A. Edlin, Esq.  
Ann C. Turetsky, Esq.  
Greenberg Traurig, LLP  
200 Park Avenue  
New York, New York, 10166  
(212) 801-9200

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

OCT 23 2007

DATE

(BY) DEPUTY CLERK

